

OSBE Special Meeting 4.9.21

Western Heights



OKLAHOMA
Education



Educational Services & Outcomes

9 school sites

3,400 enrollment (2020); 2596 (2021)

Demographics (approximates)

- >90% Economically Disadvantaged
- 35% English Learner
- 46% Hispanic
- 16% Black
- 23% White

Academic year

- No in-person option for 2021-22
- March 2021 – School will not return for the remainder of the year unless forced to avoid losing millions in federal funds. Virtual for entirety of 2020-21.
- Only district in state to not provide in-person option
- State Board: strongly encourage in-person option by 4.1.21
- District: no authority, will consider at 4.12.21 meeting

Educational Services & Outcomes



Academic Achievement -

1% Advanced; 10% Proficient; 35% Basic; 53% Below Basic



Absenteeism – 20% below state average; one of the highest absenteeism rates



Graduation Rate – 79%



Postsecondary Opportunities



6 of 9 sites federally designated for Support & Improvement

1 site Comprehensive Support and Improvement

5 sites as Additional Targeted Support & Improvement

Educational Services & Outcomes – Special Education

Differentiated Monitoring (2020)

- Level 3 Support
- Assessment Proficiency
- 10 files reviewed
- 20% missing evaluation and re-evaluation components
- 40% missing IEP components (present performance; goals/services)
- 3 Teacher caseloads exceed allowable limits

Differentiated Monitoring (2021)

- Level 3 Support
- Graduation Rate and Drop-out Rate
- 28 files reviewed
- 50% missing evaluation and re-evaluation components
- 50%+ missing IEP components (present performance, transition goals and assessments)
- 1 teacher caseload exceeds allowable limit

Educational Services – Federal Programs

- FY 20: Non-compliant (homeless policy, staff training, parent input)
- District: "selective prosecution"
 - Reality: risk assessment required monitoring
- Staff: virtual learning presented obstacles and challenges; appropriate services are provided when students are allowed to attend school in person
- CARES funds: 1-1 technology for all students; hot spots, learning platform and PPE
 - Unsupported
- OSDE: seek greater and more representative parent involvement in plans and activities
- Observed "significant strides" made in knowledge of federal programs
- Result: Non-compliant for failure to timely submit documentation

Child Nutrition

April 2020 – shut off meal service to students and families

Special Field Report 10.5.20

- Complaints received on quantity and quality of food, including expired and moldy
- Serving reimbursable meals when OSDE on-site
- "Tens of thousands of dollars" of food in freezer to cook, but not allowed
- Doing best staff can within directives given
- Western Heights Implementing Everywhere (WHIRE) - not part of Child Nutrition program, local partnership

Child Nutrition

STATE DEPARTMENT OF EDUCATION CHILD NUTRITION PROGRAMS

SPECIAL FIELD REPORT

Name: Western Heights Public School
Date of Visit: October 5, 2020 Agreement #: DC-55-041
Site Visited: Child Nutrition Office & Winds West Elem. County: Oklahoma

On the above date, Executive Director, Jennifer Weber and the Director of School Programs, Dana Parker visited Western Heights Foodservice for the purpose of looking into the multiple parent complaints the Child Nutrition Offices are getting regarding the food at the schools.

We spoke with Trudy Mercer, the Food Service Director. While there we observed the meal service at Winds West. The food that the Child Nutrition Department gave out at Winds West was reimbursable per the USDA requirements. They were giving five breakfasts and five lunches for the week. Trudy had decided last week to add some additional foods to the weekly bags to help supplement the meals. Those extras on the day of observation included a to-go container with a slice of frozen pizza, an uncrustable peanut butter and jelly sandwich, some chips and dried fruit. They also handed out reheating instructions with the food.

We were there when a child came and requested just the "extra food" not the "normal food." Trudy talked to the student and informed him the reason she couldn't give the child just the extra food was because it was not a reimbursable meal and she would not be able to claim that food on this program unless he was given all the food. Only reimbursable meals may be claimed. Per program regulations she is allowed to sell food ala' carte for this program and in fact several schools are doing that during this time. The ala carte foods are required to meet the Smart Snack guidelines that USDA sets. There are schools giving out the normal reimbursable meals and then allowing students to buy ala' carte items if they choose to do so. Trudy mentioned her goal was to continue to serve these additional food items going forward.

Trudy has requested several times to be allowed to cook the existing food inventory she has in her freezers but has not been given the okay by the administration. She stated that she has tens of thousands of dollars of food in her freezers she would like to be able to use right now. She knows people are frustrated with the food, but she is doing the best she can to meet program requirements and get the students fed while working with the directives she has been given by her administration.

There was also WHIRE food given out on the day of observation, two clear bags with food items in them. These were given in addition to the breakfast and lunch bags which were in black bags. We did not look at the items that the person from WHIRE was giving out since that food was not part of the Child Nutrition food. The day after observation we received a picture of one of the pudding cups in the WHIRE food bag and it clearly had mold growing in it. I would suggest that someone contact the person in charge of the



Governance & Finance

Board member consuming alcohol while transacting official business in a public meeting

FY 2019 audit report

- Violation of 62 O.S. § 430.1 – payment for lease of property shall be made only from annual or supplemental appropriations specifically designated for that purpose.
- Use of \$8,810,000 2018 funds to make payments on a 2009 and 2013 bond

Governance & Finance – 2020 Audit

- Accounting records not properly reconciled with bank accounts
- \$514,760.19 outstanding warrants/checks that were previously cleared
- \$614,408 wire transfer to IRS Account on 6/29/20, made in error
- \$240,000 to Teacher Retirement Clearing that was never coded to general fund
- \$46,000 wire transfer to TRS Clearing that was never coded to general fund
- \$18,276.78 in bank analysis charges not appropriated coded
- \$32,087.44 in TRS late penalties not coded to general fund

Governance & Finance – 2020 Audit

- \$822,450.00 double posted transactions relative to direct deposit transactions (largely due to bank error)
- \$169,006.80 in investment interest not recorded as revenue
- \$144,837.97 returned items on bank statements
- Activity Fund not balanced with bank transactions. 42% of deposits were not timely made
- Purposes of subaccounts and revenues are not always included in board approvals
- 15% of Activity Fund purchase orders did not have adequate documentation. Meals and trips did not include attendees or recipients.

Governance & Finance – Response to 2020 Audit

Staff and payroll vendor issues - "totally unacceptable and will not be tolerated going forward." Changed payroll vendor.

Talked to staff and will have weekly internal audits of files, records and bank statements

Seeking waiver from TRS on late fees

Corrective actions

New personnel, lack of training and not assertive enough

Checklist created, signatory requirements

Leadership

OAC: 210:35-3-41

Working relationships among board, superintendent and staff to facilitate successful function in all phases

School provided with sufficient professional and service personnel to ensure effective operation of all phases

Personnel

OAC: 210:35-3-81

- Administrators and staff work in a collegial, cooperative school environment.
- The staff participate in decision-making affecting the school program and teach under conditions favorable to effective performance.
- The schools of Oklahoma shall be staffed by administrators and teachers who are well-qualified for their respective positions.
- Administrators and teachers participate in staff development to enhance professional and instructional skills and to meet locally identified school improvement needs.

Governance - Leadership

- School Board to contract with, fix duties and compensation of superintendent, and other personnel – 70 O.S. § 5-117
- Superintendent contract
 - \$220,000 base salary w/ benefits (5th highest, 1 year experience, 34th enrollment)
 - 20 days unpaid leave for outside activities
 - Reasonable time & pay for professional growth and community involvement
 - 25 semester credit hours annually to further education
 - Chamber of Commerce, civic affairs, clubs, organizational membership
 - 40 vacation days per year
 - 20 sick days per year
 - 20 personal business leave days per year
 - \$75,000 retention bonus on June 15, 2022

School Personnel Issues



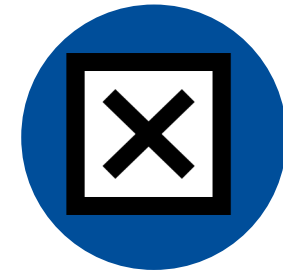
STAFF –
115 POSITIONS IN 2
YEARS



2020 PAYROLL
REPORTS



UNDERPAID
PERSONNEL
COMPLAINT



IMPASSE

Late Flexible Benefit Account Payments

- State law provides for Flexible Benefit Allowance funding, to be made available to school district employees for the purchase of insurance plans.
 - "The administrator of the cafeteria plan shall maintain a separate account for each participating school district employee. School districts shall forward the school district employee flexible benefit allowance amounts to the administrator for elected purchases of cafeteria plan benefits." (70 O.S. § 26-104(D))
- OSDE was notified in May 2020 that the District had not been making certain required monthly payments on employee cafeteria plan accounts (e.g., American Fidelity)—*although deductions from employee paychecks had continued*.
- This failure to make timely payments left the affected plans in arrears, and left some District employees unable to access their plan funds for urgent needs such as medical care.

School & Community Relationships

210:35-3-21

- School establishes relationships with parents and community that result in feeling of mutual trust
- Parental involvement in developing and monitoring expected outcomes
- Display willingness to respond to parents and community
- Community supports the school and its programs
- Opportunities to express desires, concerns, ask questions and make suggestions
- Systematic efforts to explain policies, procedures, needs and programs to community

Culture – Community and School Culture

- Parents –
 - Kids are not being served
 - No option but to transfer but do not have means
 - Charged homeless student for device replacement
 - Question athletic team who among them are poor and which are not
 - Use of funds questioned
- Community – citizens petition audit

Concerns





Special Education Concerns

"Our special education department in our district is hanging by a string. He has fired the only severe/profound teacher we had at the high school without a replacement, he fired a deaf ed interpreter, and we have had at least one other special education teacher quit without any new hires. This puts a burden on those that are left. He has not posted any new jobs."

No in-person services to students with disabilities in 2020-21

Staffing Concerns

"The truth is Western Heights does not have the staff to return. He has fired bus drivers and maintenance workers. Teachers have retired in the middle of the year or have resigned because the harassment has been too much to bear."

"At our board meeting this evening, Mr. Barnes said that we would not allow students to return to school unless the state or federal government forced us to. This is disheartening to everyone involved. The real reason we are not opening is he has refused to replace anyone he and the board have fired or any staff that has resigned. Our support staff is almost non-existent. He has fired bus drivers and, in turn, others have quit. We have lost teachers and he has just doubled the students up on other teachers because we are virtual. He doesn't believe these teachers need any or much compensation for taking on another teacher's classes. It is diminishing morale and there will be a mass exodus at the end of the school year."

Concerns

"I was talking with co-workers today and we were reminiscing about failing tests and worried the state would come in and take over our district. Well today, we are ready. We are tired of being treated this way. Our students are suffering and our parents are giving up. Please help us. When I started in [date redacted], this was a great school district! We want that district back! We want to be proud of where we work; not hide our heads in shame."

Concerns

- It has been a positive experience to work in Western Heights with many children, especially those with special needs. Until the past two to three years, I have felt supported, appreciated, and secure as a teacher in the district. Unfortunately, it is no longer that way. I will retire after this school year, and many of my colleagues will find employment elsewhere. We have been discouraged as we have watched the rapid deterioration of our school district. Many of us are praying for God's direction in our personal futures and in the future of the school district which is supposed to serve our children.

Students not returning to in person learning

"Our main concern at this moment is the children of our district. We haven't had face to face contact with our students in over a year. We are desperately worried about their nutrition, safety, mental health, and of course their academics. Friday is the scheduled date for our teachers to receive the second vaccine. Mr. Barnes stated in the last board meeting that we would not go back to school unless we were forced because of the possibility of not receiving federal funding. Mr. Barnes commented that it was due to safety reasons. He even mentioned that the students haven't been vaccinated yet which is ridiculous."

"Our kids have not been allowed to return to school at all this year. All the districts around me have at least done an a/b schedule and are transitioning back towards going back full time. Our kids in Western Heights School District have been out of in school learning for a year now. According to the superintendent Manix Baines at the board meeting tonight he has no plans to allow our kids to come back to school unless he is forced to do so. Someone needs to help us parents get our kids back in school. It is not right that many of the parents in our district are going to be forced to uproot our families and move out of this district just so our kids can get the quality education they deserve. Please help us."

"Mr. Barnes stated that the school would not be reopening unless they were forced to reopen. He cited skyrocketing COVID deaths and increasing COVID Cases as his reasoning for reopening. He also mentioned your interview with the Frontier and his displeasure with your remarks regarding one Superintendents refusal to reopen his district as he is only trying to keep his staff and students safe. He did mention that he may have to reopen the school at some point in order to avoid losing millions in federal funding that could be withheld if the school stays closed. His motivation in keeping the school closed seems to be motivated by money that he is saving by keeping the school closed, despite citing health and safety concerns."

Western Heights truly has my heart, but daily life has been very difficult within the district this year

Good evening, I am a concerned parent of children attending Western Heights School District. Our kids have not been allowed to return to school at all this year. All the districts around me have at least done an a/b schedule and are transitioning back towards going back full time. Our kids in Western Heights School District have been out of in school learning for a year now. According to the superintendent Manix Barnes at the board meeting tonight he has no plans to allow our kids to come back to school unless he is forced to do so. Someone needs to help us parents get our kids back in school. It is not right that many of the parents in our district are going to be forced to uproot our families and move out of this district just so our kids can get the quality education they deserve. Please help us.

Thank you,

More Concerns

"As you probably also know, certified staff have never been issued a contract for this year. He has refused to negotiate with the teachers union and it has now gone to fact finding... He tells us there is no money for teacher step raises yet he continues to create positions at the administration building and hires friends with salaries close to or at \$100,000 for each. Our administration costs have increased by 186% since he took over."

"Our situation is dire for our students, our families, and for our teachers. Mr. Barnes has complete disdain for all of us and has made derogatory remarks to individuals about what he thinks about our families such as they are "dumb and poor". "

"We are in a high poverty area. Parents do not always have the funds to purchase the insurance for the equipment they are required to have to attend school. We have had more than one family that lost or broke their device. They are charged \$230. If they don't have that money, they don't get a new device and they get no educational services. At the middle school, we have asked for donations of personal devices from people we know and we are personally handing those out to parents so that students may receive an education. We had one family that was homeless and lived in their car recently. Our administration did not care and we at the middle school provided a personal device to this mother to help her out. We had another mother that asked if she could make payments on the device that was broken. She was told no."

Parents Petition for Audit

- "With the help of many volunteers we obtained more than enough signatures for a State investigative audit. Campaigning is starting this weekend to elect a new school board member on April 6th, which should not be a problem."
- 74 O.S. § 212(L) -10% or more registered voters by declaration upon oath or affirmation that the information is true and correct

[REDACTED] I have met you on several occasions and I hope it is okay for me to reach out to you about a concern I have for several school employees in Western Heights. My concern is with the way Superintendent Mannix Barnes at Western Heights Public Schools is handling his support personnel during this severe weather. [REDACTED]

[REDACTED] has been advised that all support personnel will need to report to work on Tuesday, February 16th but all certified personnel will be able to use a snow day. The support will need to use personal leave only if they choose not to report to work. They are not allowed to use Sick Leave for this day. If they do not have personal days to use and choose to not report, they will be considered "AWOL" and will be docked pay for the day. I have chosen to reach out to you because [REDACTED] as well as many other support personnel in WH, are afraid if they complain, they will lose their jobs as others have in the past. I am sure he can control the leave in whatever way he pleases but I feel this can be life-threatening for the workers if they attempt to get on the roads. The students are completely virtual and have been all year, so I am not sure what the need would be for them to report to the building when all students, principals, teachers, etc. are home using a snow day. They are willing to make up the days at the end of the school year, if necessary. They have reached out to their district union about this and other incidents/situations that have developed over the few years he has been superintendent, but nothing has been resolved or even heard from the administration.

Students

OAC 210:35-3-1

- Oklahoma schools have the responsibility of meeting the educational needs of all students, providing equitable educational opportunities, and fostering lifelong learning as they prepare to participate in a democratic society.
- In order to establish priorities, aid in decision making, and provide an effective basis for a comprehensive and continuous evaluation, each school site shall develop and maintain a written statement of the philosophy and goals to be served by educational programs that are based on the belief that all students can learn.
- The school's philosophy and goals must reflect consensus among the school site community, the local board, and the school staff. The educational programs shall address the academic, personal/social, and career/vocational development of students as they prepare for the future.

Students

210:35-3-101

- Balanced and comprehensive student personnel services shall be provided for all students, including those students unable to gain maximum benefit from usual school experiences without specialized educational programs.

Accreditation

The accreditation standards shall provide for warnings, probation or nonaccredited status for schools that fail to meet the standards.

The Department shall investigate a complaint of failure to provide educational services or failure to comply with accreditation standards within thirty (30) days of receiving the complaint.

- If the Department determines that a school has failed to comply with the accreditation standards, the Department shall report the recommended warning, probation or nonaccredited accreditation status to the State Board of Education within ninety (90) days. If a school does not take action to comply with the accreditation standards within ninety (90) days after a report is filed by the Department, the Board shall withdraw accreditation for the school.

The State Board accreditation regulations shall provide for warnings and for assistance to schools and school districts whenever there is reason to believe a school is in danger of losing its state accreditation.

Accreditation

No deficiencies – standards are being met

Deficiencies – site fails to meet one or more standards but does not detract from educational program

Warning – site fails to meet one or more of the standards and deficiency seriously detracts from the quality of the school's educational program

Probation – one or more of the following:

- Consistently fails to remove or make substantial progress to meeting all deficiencies from prior year
- Consistently violates regulations; and/or
- Deliberately and unnecessarily violates one or more of the regulations

Nonaccredited – no longer recognized by the State Board

Accreditation 2019

Seeworth Academy – Nonaccredited.
Noncompliance with Federal Programs
and finances.

Langston Hughes Academy – Probation,
then nonaccredited. Noncompliance with
laws and regulations (Open Meetings,
special education, school environment).

Cave Springs – Probation. Board
members have not met required trainings.

Accreditation 2020

Albion - Probation. Administrative costs; audit findings (payroll not supported by contracts, purchase orders dated after invoice, purchases not approved by school board); failure to comply with OCAS; federal programs noncompliance.

Keyes - Probation. Failure to offer required minimum course units or competencies; noncompliance in alternative education.

Oologah-Talala – Probation. Failure to appropriately implement Title IX.

Sovereign Community School – Probation. Noncompliance with statutory and rule requirements; financial inconsistencies.

Accreditation 2021

Woodland - Probation. Failure to report civil rights data; failure to respond to USDE and OSDE.